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NUTRIENT MANAGEMENT ACT, 2002

RECORDKEEPING

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(Replaces OMAFRA Factsheet, *Nutrient Management Act 2002 — Recordkeeping*, Order No. 04-077)

The *Nutrient Management Act, 2002* (*NMA*) was passed to provide for the management of materials containing nutrients (e.g. manure) in ways that will enhance protection of the natural environment and provide a sustainable future for agricultural operations and rural development. It addresses how nutrients — most particularly manure — should be managed during storage and application to farmland.

This Factsheet is one of a series intended to help you understand how the *NMA* pertains to your operation. The Factsheets are not meant to provide legal advice. Please consult the *NMA*, the regulation and protocols for specific legal details. Consult your lawyer with questions about your legal obligations.

For more information on the *NMA* call the Nutrient Management Information Line at 1-866-242-4460, e-mail *nman@omafra.gov.on.ca* or visit *www.omafra.gov.on.ca*.

Factsheets are continually being updated, so please ensure that you have the most recent version. Along with the new legislation comes new terminology. List below are some key definitions.

Nutrient Management Strategy (NMS) — is a working document that describes the generation, storage and destination of prescribed materials produced by your farm unit. Prescribed materials are agricultural and non-agricultural materials from the management of livestock or the by-product of a treatment process.

Nutrient Management Plan (NMP) — describes a plan for the management of the nutrients received and applied on the land and identifies how land applied nutrients (e.g., manure, commercial fertilizer and municipal biosolids) are balanced with the needs of the crop grown.

Provincially Approved NMS/P — a strategy or plan that has been reviewed by a provincial government official and meets the requirements of the NMA and the Regulation

Nutrient Unit (NU) — was developed to ensure the same comparison (apples to apples) of nutrient values generated by different livestock operation types. A common unit is required because different farm animals produce different quantities and qualities of manure. It describes the amount of nutrients that give the fertilizer replacement value of the lower of 43 kg of nitrogen or 55 kg of phosphate as nutrient as established by reference to the Nutrient Management protocol (e.g., one beef cow and calf generate one NU in a year).

Farm Unit — consists of farm structures and land necessary to manage an operation and typically include barns and associated storage facilities, outdoor confinement areas (OCA) and all lands where prescribed material is applied including land that is owned, leased or subject to nutrient application agreements.

If your operation requires you to complete either a Nutrient Management Strategy (NMS), a Nutrient Management Plan (NMP), or both, you must keep records. This Factsheet focuses on the requirements found in Part XI of the Regulation — recordkeeping.

WHO SHOULD KEEP RECORDS UNDER THE NMA

Operations keeping records under the *NMA* can be divided into two streams.

Stream 1: Any farm that is required by the *NMA* to have an NMS/P is also required to keep records. These include:

- if you apply for a building permit or would require a building permit under the *Building Code Act, 1992*, but for the application clause 2.4.1.1(1), to build any structure that is used to house livestock or to store manure, on or after December 31, 2005 and
- your operation generates more than five nutrient units annually

OR

- if you construct an earthen manure storage and
- your operation generates more than five nutrient units annually

OR

- if you have an operation that generates 300 or more nutrient units annually

Stream 2: Any operation not required to have a NMS/P may choose to voluntarily follow the recordkeeping standards that are outlined in Section XI of the Regulation.

WHAT RECORDS ARE REQUIRED

The NMA requires farmers to keep the following records:

- copies of the NMS/P
- annual update
- temporary field nutrient storage site information (if applicable) and any information relating to the construction and siting Standards, Part VIII
- copies of certificates/licences

Copies of the NMS/P

If the *NMA* applies to you, you are required to keep a copy of your completed NMS/P. In fact, these documents contain useful information, and it is helpful to have them on hand. You may need to look up specific details about any of the following: nutrient production, storage and application rates, contingency plan contacts, mapping information, setback distances, soil/manure analysis documentation, cropping plans, yield records, etc.

Activity Log

After writing your NMS/P, it is recommended you keep an activity log. The log documents the actions and details described in the NMS/P. These include:

Cropping Practices

- field — size, location, manure setback distances, crop type, planting/harvesting details
- manure application — nutrient types applied, location of application, application time and dates, rates, and methods, weather conditions around application date
- tillage/incorporation — incorporation of manure method and date, weather conditions around incorporation date, any other tillage info (date and method)
- fertilizer — commercial fertilizer bills showing amount and timing of application
- tile outlet — date and time of tile outlet monitoring, including observations on application dates

Livestock Information

- feed records
- if the farm is not at design capacity in accordance with the OMAFRA Housing Capacity Guidelines contained in NMAN, an inventory of livestock in the barn on a monthly basis

Other Required Information

- documentation of any other time/conditions when a contingency plan is utilized, including location, estimated volumes and remediation measures
- what was done to resolve any written complaints
- a copy of all inspection-related recommendations and implementation of them
- details on imported nutrient containing materials, date, weight or volume, description of the material
- biosecurity protocols for the operation

TEMPORARY FIELD NUTRIENT STORAGE INFORMATION (IF APPLICABLE)

If you temporarily store manure (or other agricultural nutrients) on a site in the field, you must keep the following information with your records:

- the date you started to store nutrients on that site
- the date(s) the nutrients were inverted or displaced and mixed (such as in composting)
- the date nutrients were removed from the site
- a record of management techniques and field conditions
- a sketch showing the location of the site relative to:
  - setback distances
  - surface water(s) and/or
  - other temporary field nutrient storage sites

SITE CHARACTERIZATION STUDY (IF APPLICABLE)

A site characterization study is required before the construction or expansion of:

- any permanent liquid manure storage facility where an application for a building permit has been filed or
- a permanent solid manure storage facility that does not have a concrete floor on a farm unit that generates 300 NU or more annually

A professional engineer or professional geoscientist conducts this study in order to:

- classify the soil type(s) of the site, and
- establish the depth of aquifer and bedrock beneath the site.

If you require a site characterization study, you must keep a copy for your records. For more information on siting requirements of permanent nutrient storage facilities, please read Part VIII – Siting and Construction Standards of the Regulation.

WHERE TO KEEP YOUR RECORDS

Ideally, keep your records on location at your operation. If that is impractical, keep them where they are accessible on a 24 hour a day basis to you or the farm operator.

HOW LONG MUST RECORDS BE KEPT

You must keep your records — such as copies of your NMS/P, temporary field nutrient storage information, and your site characterization study — for at least two years after the life of your NMS/P ceases to be in force.

Example: The 5-year lifetime of your NMS and NMP is from September 2004 to September 2009. You must keep that NMS and NMP corresponding records until at least September of 2011.

Though not required, you may decide it is worthwhile to keep your records for longer than five plus two years.

TABLE 1. Record Preservation

Life of your NMS/P	5 yrs
"Holding" requirement	+ 2 yrs
Total time	7 yrs

FORMAT FOR YOUR RECORDS

Records may be kept in the following formats:

- as paper copies, such as in a notebook or binder; or
- as digital, electronic, or other files, such as in a spreadsheet or using NMAN software, or
- any combination of the above as appropriate.

Whichever form of recordkeeping you choose, you must take adequate precautions to prevent someone from falsifying or altering the information in the records.

The records must also be kept in a form that is "accurate and intelligible" to anyone examining them within a "reasonable" amount of time. In other words, the *Act* requires records be:

- accurate and intelligible
- reasonably organized and clear
- reasonably legible and neat

ACCESS TO YOUR RECORDS

OMAFRA, and/or the Ministry of the Environment may, under certain circumstances, ask to see your nutrient management records. These circumstances include:

- the review of your operation for provincial approval
- a random audit of your operation or
- enforcement action if it is deemed necessary

BENEFITS OF RECORDKEEPING UNDER THE NMA

Whether recordkeeping is mandatory (for Stream 1 Operations) or voluntary (for Stream 2 Operations), the process offers many significant benefits. As these become better understood, it is expected that many farmers will choose to adopt the recordkeeping standards of the *NMA*. Here are some of the potential benefits.

- meet the requirements of the NMA
  - random audits will be conducted by nutrient management compliance officers to ensure that the requirements of the NMA — including proper recordkeeping practices — are being followed

- show due diligence
  - records provide the public with verifiable assurance that farmers are practising responsible stewardship

- provides updated information at your fingertips
  - when your NMS/P is up for renewal, your records will be up-to-date and in a form that should simplify information transfer into the new NMS/P

- may help to cut costs
  - knowing crop nutrient requirements and adjusting nutrient application rates accordingly may lower input costs

- helps you plan for the future
  - future management decisions can be made based on detailed records, rather than memory alone, to recall what worked and what did not

TABLE 2. NMA References

For more information	Source
Nutrient Unit values assigned to specific animal types	Nutrient Management Protocol: Part 3 – Nutrient Units: How Farmers Determine Whether Their Farm Units Are Subject To The Regulation
Recordkeeping requirements including: Duty to keep records Copy of licenses Form of records Location and time for storage	Ontario Regulation 267/03: Part XI – Records
Recordkeeping requirements specific to non-agricultural operations	Nutrient Management Protocol: Part 6 – Nutrient Management Strategy For Non-Agricultural Generating Operations
The requirements and limitations of a site characterization study	Ontario Regulation 267/03: Part VIII – Siting and Construction Standards,
Temporary field nutrient storage sites, including where they can be located and what records are required	Ontario Regulation 267/03: Part VIII – Siting and Construction Standards,
The fundamentals of nutrient management	OMAFRA courses offered throughout the year Nutrient Management Information Line: 1-866-242-4460 OMAFRA website: www.omafra.gov.on.ca
Recordkeeping capabilities of NMAN	NMAN software available to participants of OMAFRA nutrient management courses

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